

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW  
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,  
TIDERTINGTON, & McLEOD, PLLC  
BY: TIMOTHY R. McLEOD (P29880)  
THOMAS D. BURKHART (P25509)  
Attorneys for Plaintiff  
820 N. Michigan Avenue, P.O. Box 6055  
Saginaw, Michigan 48608  
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant  
3262 Cabaret Trail, Suite 206  
Saginaw, Michigan 48603  
(989) 793-6440

ORDER ESTABLISHING CUSTODY AND PARENTING TIME

AT A SESSION OF SAID COURT HELD IN THE  
COURTHOUSE IN THE CITY OF SAGINAW, COUNTY OF  
SAGINAW, AND STATE OF MICHIGAN, ON THE 8th  
DAY OF Nov, 2013, A.D.

PRESENT: HON. FRED L. BORCHARD, CIRCUIT JUDGE

This matter came before the Court on the scheduled trial date of November 5<sup>th</sup>, 2013.

The issues of Custody and Parenting Time being at issue, the Court having interviewed the parties, the minor child, Rocco Calice, and Jill Hogenson; the parties having conferred with Jill Hogenson and counsel and Jill Hogenson having issued her supplemental report and recommendation dated November 5<sup>th</sup>, 2013. The parties having reached an agreement that the recommendations of Jill Hogenson dated November 5<sup>th</sup>, 2013 shall be entered as an order of this Court pertaining to Custody and Parenting Time arrangements,

A TRUE COPY

Susan Kaltenbach, Clerk

BURKHART, PICARD, TIDERTINGTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

NOW THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Jill Hogenson's supplemental report and recommendation dated November 5<sup>th</sup>, 2013, attached hereto as Plaintiff's Exhibit #1, is adopted by this Court as an order establishing Custody and Parenting Time as provided therein.

IT IS FURTHER ORDERED AND ADJUDGED that Child Support and Spousal Support as currently ordered shall continue to be paid until further order of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that a trial date be set for any remaining matters that require the Court's determination.

FRED L. BORCHARD  
F11003

FRED L. BORCHARD  
Circuit Judge

Countersigned: Priscilla R. Whaley

Deputy Clerk

APPROVED AS TO FORM AND CONTENT BY:

Timothy R. McLeod  
TIMOTHY R. McLEOD (P29880)  
Attorney for Plaintiff

SEE ATTACHED.  
THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant

Prepared By:

BURKHART, PICARD,  
TIDERINGTON, & McLEOD, PLLC.  
BY: TIMOTHY R. McLEOD (P29880)  
Attorney for Plaintiff  
820 North Michigan Avenue  
P.O. Box 6055  
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FRED L. BORCHARD  
Circuit Judge

Countersigned:

Deputy Clerk

APPROVED AS TO FORM AND CONTENT BY:

TIMOTHY R. McLEOD (P29880)  
Attorney for Plaintiff

*Thomas J. Demetriou*  
THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant

Prepared By:

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BURKHART, PICARD, TIDERTINGTON, & McLEOD, PLLC., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

Exhibit  
1

STATE OF MICHIGAN

IN THE 10<sup>TH</sup> JUDICIAL CIRCUIT-FAMILY DIVISION

MELISSA CALICE,

PLAINTIFF

-VS-

FILE NO: 12-017215 DZ-1

RICHARD CALICE, JR.,

DEFENDANT

MINOR CHILDREN OF THIS CAUSE:

ROCCO BORN: 10-27-06 AGE: 7

AMELIA BORN: 04-25-08 AGE: 5

REASON FOR REFERRAL:

This case was referred to Jill Hogenson, LMSW, ACSW, for a supplemental recommendation on the issues of custody and parenting time.

INTERVIEW:

Pursuant to agreement between the parties, this writer met with Plaintiff Mother and Defendant Father on the issues of custody and parenting time in an effort towards reaching agreement.

The parties' counsel, Mr. Thomas Demetriou and Mr. Timothy McLeod, were also consulted with on current concerns and the parties' positions on issues relevant to the case.

Pursuant to lengthy discussion and request from the Court, this writer will provide supplemental recommendations in this matter. Said recommendations are based upon partial agreement and what is viewed as an effort to provide for the love, nurturing and relational needs both children have for each of their parents.

There is no indication to suggest either parent to be incompetent, nor that the strengths or weaknesses of these parents suggest the children's strong need for the predominance or exclusion of either their Mother or Father's relationship. The children are viewed established historically and presently in the primary care of their Mother. At this time, they have been settled within an appropriate school setting, routine and caregiving circumstance which appears to be comfortable and provide security. There is no evidence they are not flourishing at present.

The children's established circumstance does not, however, impede or disqualify their ever-present need for the love, values and influence of their Father. What he offers them will compliment and

complete them, regardless of their home setting. His consistency and his support of their lives is necessary to stimulate their well-being and sense of security. To this end, liberal opportunities with Mr. Calice for purposes of his role in their lives is necessary.

Due to the demands of his work, Mr. Calice has been absent from the children for periods, even during the marriage. His prior work schedule did not preclude him from the development of a strong attachment to the children and does not need to do so now. The Defendant Father appears Intent upon pursuit of custody in this case based largely upon *his* perception the children were 'kidnapped.' There is no evidence to indicate the children have harbored that same perception or that by a change of custody, they would derive more significant benefit. Rather, this writer tends to view the likelihood of the children's further disruption, *at this time*, being perceived by them as an unnecessary act of being taken, repeating the prior experience, rather than 'righting' it. It is this writer's opinion that maintaining what has become a stable, satisfactory home setting for the children with their Mother in Saginaw is in their best interests at this time.

This writer finds it essential these children, regardless of the semantics of custody, have more than sufficient opportunity for time with both parents during holiday periods, and ample time with each parent during the summer months. This writer acknowledges the demands of the distance and the provision of ample parenting time to be difficult to coordinate, and provide challenges for the children to endure. Unfortunately, the consequences of this divorce impact these kids. The benefits, however, of anything vital is not often easy and often involves challenges as well as profits. Assuring Mr. Calice liberal opportunities to the extent which is practical, feasible, and 'sustainable' is necessary for Rocco and Amelia. There is a delicate balance necessary to address in promotion of the children's needs for their Dad coupled with consideration of their own ability to endure the schedule.

Recommendations will follow.

CALICE -VS- CALICE

FILE ON: 12-017215 DZ-1

1. THE PARTIES SHALL BE GRANTED JOINT LEGAL CUSTODY OF THE TWO MINOR CHILDREN OF THIS CAUSE, ROCCO AND AMELIA CALICE.

THE PLAINTIFF SHALL BE GRANTED PHYSICAL CUSTODY OF THE TWO MINOR CHILDREN.

2. THE DEFENDANT SHALL BE GRANTED LIBERAL PARENTING TIME WITH THE MINOR CHILDREN AS FOLLOWS:

A) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE EXTENT OF THEIR CHRISTMAS BREAK EACH ODD NUMBERED YEAR, BEGINNING THE DAY AFTER SCHOOL CONCLUDES FOR THE CHRISTMAS BREAK UNTIL THE DAY PRIOR TO SCHOOL RESUMING.

THE DEFENDANT SHALL HAVE THE CHILDREN FROM 12/26- 12/30 ON ALL EVEN NUMBERED YEARS.

B) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE EXTENT OF THEIR THANKSGIVING BREAK EACH EVEN NUMBERED YEAR, BEGINNING THE DAY SCHOOL CONCLUDES FOR BREAK, AND EXTENDING THROUGH SUNDAY AT 6:00 P.M.

THE DEFENDANT SHALL HAVE THE CHILDREN ON THE WEEKEND FOLLOWING THE THANKSGIVING HOLIDAY, FROM FRIDAY AT 6:00 P.M. THROUGH SUNDAY AT 6:00 P.M. ON ALL ODD NUMBERED YEARS.

C) THE DEFENDANT SHALL HAVE THE CHILDREN FOR THE DURATION OF THEIR SCHOOL SPRING BREAK EACH YEAR, BEGINNING THE DAY AFTER SCHOOL CONCLUDES FOR THE BREAK UNTIL THE DAY PRIOR TO SCHOOL RESUMING.

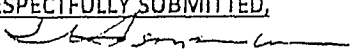
D) THE DEFENDANT SHALL HAVE TWO (2) WEEKENDS EACH SCHOOL YEAR, TO EXERCISE PARENTING TIME WITH THE CHILDREN IN THE STATE OF MICHIGAN. UNLESS OTHERWISE AGREEABLE, THE DEFENDANT SHALL EXERCISE THESE IN THE MONTHS OF OCTOBER AND FEBRUARY OF EACH YEAR. THE WEEKENDS SHALL OCCUR ON THE 2<sup>ND</sup> FULL WEEKEND OF EACH MONTH, FROM FRIDAY AT 6:00 P.M. UNTIL SUNDAY AT 6:00 P.M.

E) DURING THE SUMMER MONTHS, THE DEFENDANT SHALL HAVE THE CHILDREN FROM THE DAY AFTER THE SCHOOL YEAR CONCLUDES, FOR A PERIOD OF EIGHT (8) CONSECUTIVE WEEKS EACH YEAR.

3. THE PARTIES SHALL SHARE THE COSTS OF TRANSPORTATION FOR THE DEFENDANT'S CHRISTMAS (ODD NUMBERED YEARS), THE DEFENDANT'S THANKSGIVING (EVEN NUMBERED YEARS), THE DEFENDANT'S SPRING BREAK (ONLY THE ODD NUMBERED YEARS BREAK), AND EACH SUMMER. THE DEFENDANT SHALL BE RESPONSIBLE FOR THE TRANSPORTATION FOR ALL OTHER PARENTING TIME PERIODS.

4. BOTH PARTIES SHALL HAVE THE ABILITY TO HAVE PHONE CONTACT WITH THE CHILDREN A MINIMUM OF TWO TIMES EACH WEEK DURING THEIR PARENTING TIME PERIODS. THE PARTIES MAY ARRANGE FACETIME WITH THE CHILDREN AS IS FEASIBLE.

RESPECTFULLY SUBMITTED,

  
JILL HOGENSON, LMSW, ACSW

CUSTODY SPECIALIST

11/5/2013

STATE OF MICHIGAN  
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FAMILY DIVISION

MELISSA JAYNE CALICE,

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vs.

File No. 12-017215-DM-1

HON. FRED L. BORCHARD

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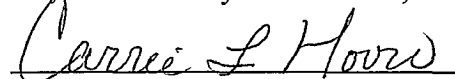
PROOF OF SERVICE

STATE OF MICHIGAN)  
COUNTY OF SAGINAW) ss.

JILL A. BENDER, being duly sworn, deposes and says that she is an employee of TIMOTHY R. McLEOD and that on the 13<sup>th</sup> day of November, 2013, she filed the original Proof of Service with the Saginaw County Circuit Court Clerk with a copy of said document and Order Establishing Custody and Parenting Time to Saginaw County Friend of the Court, 111 S. Michigan Avenue, Saginaw, Michigan 48602 and Thomas J. Demetriou, Attorney at Law, 3262 Cabaret Trail, Suite 206, Saginaw, Michigan 48603 via e-mail: [tjd@tomdemetriou.com](mailto:tjd@tomdemetriou.com) and by enclosing same in sealed envelopes, postage prepaid, directed to the address as set forth herein depositing same in the U.S. Mail at Saginaw, Michigan.

  
JILL A. BENDER

Subscribed and sworn to before me, a Notary Public, on the 13<sup>th</sup> day of November, 2013.

  
CARRIE L. HOVIS, Notary Public  
Saginaw County, Michigan  
My Commission expires: 10-21-2017

BURKHART, PICARD, TIDERINGTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608